

ORIGINAL

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96 CIV. 4217

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

- v. -

NEW YORK CITY POLICE
DEPARTMENT,

Defendant.

95 Civ.

FILED
S.D. DISTRICT COURT
JUN 12 4 P.M.
S.D. OF N.Y.

JURY DEMAND

The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

COMPLAINT

Plaintiff, United States of America, alleges for its complaint as follows:

1. This is an action brought by the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., as amended ("Title VII").

2. This Court has jurisdiction over the subject matter of this action pursuant to 42 U.S.C. § 2000e-5(f) and 28 U.S.C. §§ 1331 and 1345.

3. Venue is proper under 42 U.S.C. § 2000e-5(f)(3) and 28 U.S.C. § 1391.

4. The defendant New York City Police Department ("NYPD") is a department of the City of New York and is an employer and/or an agent of an employer within the meaning of 42 U.S.C. § 2000e(b), as amended. Its principal office is at One Police Plaza, New York, New York 10038.

5. The defendant NYPD has discriminated against Sheryll L. Goff ("complainant") on the basis of her sex, female, in violation of Section 703(a) of Title VII, 42 U.S.C. 2000e-2(a), by:

(a) engaging in and permitting acts of sexual harassment against complainant during her employment as a police officer with the defendant that adversely affected the terms, conditions and privileges of complainant's employment, although the defendant knew or should have known of the harassing conduct; and

(b) failing or refusing to take appropriate action to halt or remedy the effects of the discriminatory treatment of complainant.

6. Complainant is a female who worked as a NYPD police officer from July 1986 to approximately 1993, and who has been on leave from the force since that time.

7. Complainant became a NYPD police officer in July 1986, and began working at the 110th Precinct in Queens in January 1989.

8. Beginning in 1989, and until she transferred out of the 110th Precinct in 1992, complainant was subjected to constant and pervasive sexual harassment.

9. The lounge television in the 110th Precinct had access to the Playboy channel and was regularly tuned to that channel, pornographic movies were shown in the lounge and muster room, and sexually explicit materials, including photographs from pornographic magazines, were displayed in the stationhouse, including the sitting room and on the bulletin board in the anti-crime room. Various supervisors and officers watched sexually explicit programming in the stationhouse.

10. Photographs and drawings of naked women and men, many of which had complainant's name or initials on them, were left at various locations in and around the stationhouse, including on complainant's locker, car and chair.

11. Police officers and supervisors made unwelcome sexual comments to and about complainant.

12. Complainant also received several obscene telephone calls at her home.

13. When complainant was out in the field, other officers "keyed" their radios when she tried to speak on her police radio, making it impossible for her to transmit. When she was allowed to transmit, other officers made comments after she spoke such as "get a real job" and "get a life."

14. Beginning in 1989 and continuing through 1992, complainant repeatedly complained about the harassment to her

supervisors in the NYPD. From 1989 to 1992, no action was taken to stop the sexual harassment.

15. On July 13, 1992, complainant was transferred at her request to the 106th Precinct to escape the sexually hostile working environment at the 110th Precinct. Complainant is at present on extended leave from the NYPD.

16. On August 4, 1992, complainant filed a complaint of sexual discrimination with NYPD's Office of Equal Employment Opportunity ("NYPD OEEO").

17. Six months later, on February 23, 1993, with her complaint with the NYPD OEEO still pending, complainant filed a timely charge with the New York District Office of the Equal Employment Opportunity Commission ("EEOC") in which she alleged that NYPD had discriminated against her on the basis of her sex.

18. Thereafter, on March 4, 1993, the NYPD OEEO finally reported on its seven-month investigation of complainant's complaint of discrimination, and concluded that a hostile work environment existed in the 110th Precinct, and that supervisory personnel knew or should have known but neither promptly contacted the NYPD OEEO nor took appropriate remedial action to end the misconduct.

19. Subsequently, the New York District Office of the EEOC conducted an investigation and found reasonable cause to believe that complainant's allegations were true.

20. After issuing its determination on January 7, 1994, and after attempting conciliation without success, the EEOC

referred this matter to the Department of Justice.

21. All conditions precedent to the filing of this suit have been performed or have occurred.

Claim For Relief

22. Paragraphs 1 through 21 are realleged and incorporated herein by reference.

23. NYPD has discriminated against complainant on the basis of her sex in violation of Section 703(a) of Title VII, 42 U.S.C. 2000e-2(a), by engaging in and permitting acts of sexual harassment against complainant during her employment as a police officer that adversely affected the terms, conditions and privileges of complainant's employment.

24. NYPD knew or should have known of the discriminatory treatment of complainant.

25. NYPD failed or refused to take appropriate action to halt or remedy the effects of the discriminatory treatment of complainant.

26. Complainant has suffered injury as a result of NYPD's discriminatory treatment.

WHEREFORE, Plaintiff, United States of America, prays that this Court enter judgment:

A. Enjoining the defendant, its agents, employees, successors, and all persons in active concert or participation with the defendant, from engaging in discriminatory employment practices based on sex and specifically from failing or refusing to take such affirmative steps as may be necessary effectively to

address and to prevent hostile environment sexual harassment in the NYPD;

B. Directing the defendant to give to the complainant, Sheryll L. Goff, sufficient equitable relief to make her whole for the loss she has suffered as a result of the discrimination against her as alleged in this complaint;

C. Directing the defendant to award compensatory damages to Sheryll L. Goff as would fully compensate her for injuries caused by the defendant's discriminatory conduct, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a; and

D. Granting such further relief as the Court may deem just, together with the plaintiff's costs and disbursements of this action.

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